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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Globalization and its impact on the full enjoyment of human rights

Report of the Secretary-General

Summary

The present report is submitted in response to General Assembly resolution 68/168, in which the Assembly requested the Secretary-General to continue to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its sixty-ninth session a substantive report on the subject based on those views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights. The present report summarizes the views received from the Governments of Azerbaijan, Bosnia and Herzegovina, Cuba, Lebanon, Morocco, Oman and Panama, as well as the Economic Commission for Latin America and the Caribbean and the United Nations Commission on International Trade Law. It concludes by identifying common themes and making recommendations on how to address the impact of globalization on the full enjoyment of human rights.

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I. Introduction

1. In its resolution 68/168, the General Assembly took note of the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/68/177) and requested the Secretary-General to continue to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its sixty-ninth session a substantive report on the subject based on those views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

2. Pursuant to that request, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a request on 14 February 2014 to Member States and relevant agencies of the United Nations system for their views on the issue. As of 10 June 2014, OHCHR had received responses from the Governments of Azerbaijan, Bosnia and Herzegovina, Cuba, Lebanon, Morocco, Oman and Panama, as well as the Economic Commission for Latin America and the Caribbean (ECLAC) and the United Nations Commission on International Trade Law (UNCITRAL). The responses are summarized below.

II. Replies received

A. Member States

Azerbaijan

3. The Government of Azerbaijan[1] described globalization as a complex process with political, legal, economic and social dimensions that affect both international relations and the internal systems of States. Pointing to the link between globalization and human rights, Azerbaijan referred to commitments by the General Assembly to support fair globalization and to eliminate poverty and other obstacles to the full enjoyment of human rights. Azerbaijan called for greater analysis of the impact of globalization on the realization of human rights, including the right to development.

4. Azerbaijan provided a detailed report of its recent initiatives related to human rights within the public and domestic spheres. It has developed programmes and passed laws that address a wide range of issues, including domestic violence, reproductive health, gender equality, children's rights, the promotion of healthy families and a range of cultural rights issues. Azerbaijan provided examples of specific measures it has implemented, such as an initiative on family violence that includes seminars and trainings for experts, lawyers, psychologists, law enforcement officers, non-governmental organizations, students and victims. Government departments have also been working to improve family laws and prevent human trafficking.

5. In recognition of the effects of globalization on traditional culture, particularly through the Internet and television, Azerbaijan has undertaken initiatives to

[1] The Government of Azerbaijan sent three separate submissions, which are synthesized here. One submission was received pursuant to General Assembly resolution 67/175, after the deadline for inclusion in the 2013 report. That submission is therefore included in the present report.

strengthen and promote the role of the family, and Azerbaijani values and traditions. These have explicitly included the participation of national minority groups.

6. Azerbaijan stated that it was committed to the right to a healthy environment and had implemented measures in accordance with the sustainable development principles outlined in the Millennium Development Goals. It has developed projects to improve the supply of clean drinking water, prevent the contamination of water sources, clean contaminated land, manage hazardous waste, rehabilitate forests and expand the scope of protected territories.

7. Azerbaijan has implemented programmes on food production, poverty reduction and socioeconomic development. It also reported on its efforts to promote a culture of legality and to improve the protection and enjoyment of all human rights within the country. The Government has continued to submit regular reports to the United Nations on its implementation of international human rights treaties.

Bosnia and Herzegovina

8. The Government of Bosnia and Herzegovina opined that globalization increased awareness of and responsiveness to human rights violations beyond State borders. Issues such as terrorism, drug trafficking, the spread of HIV and other infectious diseases, poverty and the displacement of peoples are transnational issues that require global responses. Bosnia and Herzegovina reported on a host of legislative measures that it had implemented to improve the rights of displaced persons. Those measures relate to the right to return to their country, the right to restitution of property, the right to education and health care, the right to freedom of religious expression and political activity, as well as to financial and accommodation support and assistance with social reintegration.

Cuba

9. The Government of Cuba stated that the process of globalization should be addressed by the General Assembly since it is the most universal and representative forum. It emphasized the need to adopt measures that address the needs of developing countries and stressed the inherent right to, and importance of, the participation of all peoples in this process. Cuba stated that the international agenda must make themes such as narrowing the gap between the rich and poor a priority. It lamented that although international commitments had been made to make international trade and finance more equitable, little action had been taken on those commitments.

10. Cuba cited the global economic crisis, systemic damage to the environment and the food crisis among the effects of globalization. It is Cuba's opinion that globalization has reduced the capacities of States to realize the right to development and to guarantee basic public services such as education, health and social security. This has resulted in greater inequality and a lack of access to economic, social, and cultural rights for millions of people. Cuba stated that globalization had become the means by which the power centres had imposed their visions and supremacy. It supported its position by citing examples such as the imposition of one democratic system and restrictions imposed on migration to the industrialized world.

11. Cuba emphasized the importance of placing development at the centre of the international economic agenda. It called for the replacement of current financial

institutions and the establishment of an equitable international system. It provided concrete suggestions, including a development tax, the cancellation of foreign debt and an increase in development assistance, which should not be conditional or subordinate to the economic and political interests of donors. It also called for reforms to make the United Nations system more effective.

12. Cuba remained convinced that if developed countries had the political will, a great deal could be done with relatively minimal resources for millions of people in respect of the right to life and to development. Cuba stated that as long as the current neoliberal order prevailed, there would be no concrete solutions to the grave problems facing humanity today or to the challenges of tomorrow. It called for a more humane and equitable international order, in which social justice prevailed.

Lebanon

13. The Government of Lebanon stated that globalization affected the daily life of people all over the world and had both positive and negative effects on the enjoyment of human rights. It saw the development of information and communication technologies, and increased interdependence within the global economy, as the aspects of globalization that had the most significant impact on the enjoyment of human rights.

14. Lebanon drew attention to the effects of new technologies on human rights. Unprecedented developments in the recording and transmission of information in the past decade, and the widespread use of social media sites for the publication of information, had had both positive and negative impacts on the enjoyment of human rights. The use of technology had contributed to the spread of the Arab Spring, which Lebanon viewed as having facilitated the rights to freedom of thought, self-expression, and self-determination for many in the Arab region. It cited the use of those technologies to incite violence and fuel resentment and hatred as negative impacts.

15. Lebanon saw the widespread negative effects of the global financial crisis as evidence of the significant link between globalization and the realization of human rights. In particular, it referenced increasingly interdependent global markets, starting with the increased power of global and regional economic groups and trade agreements in the 1990s, then the positive effects of the global economic boom in the early 2000s, and finally the widespread effects of the 2008 financial crisis that began in the industrialized world but had widespread and disastrous effects on national economies worldwide. Lebanon noted the danger of practices used in some industrialized nations since the crisis, such as quantitative easing and increasing the supply of money printed to promote market liquidity. It recalled historical examples where similar policies had led to hyperinflation. Lebanon referred to the global economy's effect on various specific rights, including the right to an adequate standard of living, the right to work and to receive just remuneration and the right to social security.

Morocco

16. The Government of Morocco reported that since the global financial crisis, it has taken proactive measures to protect against the negative effects of globalization on the full enjoyment of human rights. It outlined specific targeted measures it had taken to lessen any negative effects of the financial crisis on the realization of

labour rights. In Morocco, the global crisis had impacts on trade, tourism, remittances from expatriates and capital from foreign direct investment.

17. In an effort to curb the negative effects of globalization, Morocco adopted a charter that addressed the economic, social, cultural and environmental dimensions of fundamental human rights. While considering itself well-positioned to realize the objectives of its Millennium Development Goals, Morocco was of the opinion that its progress had been hampered by the global economic crisis. Morocco indicated that although goals for primary education, access to potable water, and sanitation could be achieved by 2015, there would have been greater progress if not for the financial crisis. Similarly, progress with regard to infant and maternal mortality would have been greater were it not for the crisis.

18. Morocco remained concerned with climate change caused by industrialization, particularly the impacts on rural populations in relation to issues such as access to potable water. This issue could have impacts not only on the health of rural populations but also on the education of rural children who are often charged with the task of collecting potable water. In an effort to address the effects of climate change, Morocco developed a national plan that included measures such as the reduction of greenhouse gas emissions through the use of new technologies.

19. Morocco has adopted measures, including its Green Morocco Plan (Le Maroc Vert) to assist the agricultural sector in addressing the challenges of agricultural market globalization. It characterized this as a time of great change for its agricultural industry, citing reforms to improve working conditions and productivity for small farmers while at the same time reinforcing competitiveness in the face of modernization and globalization. In that regard, Morocco reported improvements in the rate of access to food and in the quality of life of its citizens.

Oman

20. The Government of Oman described globalization as a process involving economic as well as social, cultural, political, legal and environmental dimensions. The complexity of globalization and its impact on many aspects of human life meant that globalization could also affect the enjoyment of all human rights. National and international efforts were required to develop policies that minimized the negative impacts of globalization on the enjoyment of human rights. Oman identified the inequalities among and within States and between individuals as a significant obstacle to the full enjoyment of human rights.

21. Oman proposed that cultural norms be taken into account in the design of international policies to ensure that globalization did not result in uniform practices that undermined cultural identity. It suggested that national policies relating to investment and trade should prioritize the improvement of social conditions instead of the maximization of profit. Oman stated that global media should represent the views of both developed and developing nations. A focus on sustainable development, food security, social justice and reducing inequalities would minimize the negative economic, political and social impacts of globalization.

Panama

22. The Government of Panama reported on its efforts to ensure access to public services, particularly with regard to energy. Panama's Constitution required that

energy must be available to the entire population. The Government strictly complied with regulations to ensure the efficient use of natural resources available for the generation of electricity. Panama had made efforts to diversify the energy matrix of the country in order to increase the stock of electricity generated. National laws provided incentives for investment in the energy sector and the State had achieved unprecedented progress in the generation of hydroelectric, wind and solar energy. The Government continued to strive to increase the rural population's access to electricity, in an effort to reduce poverty and improve living conditions.

23. Panama indicated that its national public services authority is part of the International Telecommunications Union, a United Nations organization that aims to achieve global connectivity and reduce the digital divide. In particular, the national authority was part of an advisory board focused on improving connectivity in zones with limited access to telecommunications services.

B. United Nations organizations

Economic Commission for Latin America and the Caribbean

24. The Economic Commission for Latin America and the Caribbean (ECLAC) supports countries in the region in their economic growth and development. Since the late 1980s, ECLAC has advocated the regulation of international financial institutions, in order to minimize the negative impacts of globalization, including on national productivity, employment, income distribution, social welfare, cultures and modes of living. ECLAC emphasized that economic, social and cultural rights were crucial tools for ensuring development, an approach consistent with the Declaration on the Right to Development.

25. ECLAC stated that it advocated the implementation and assessment of the Millennium Development Goals within human rights and right-to-development frameworks. It assisted countries in the region in building a global partnership for development (Goal 8). It assists Member States in promoting fair access to markets, in assessing the social, cultural and environmental impact of trade agreements and in efforts to promote universal access to information and communication technologies. ECLAC stated that it would continue to support countries in implementing the post-2015 development agenda.

United Nations Commission on International Trade Law

26. The United Nations Commission on International Trade Law (UNCITRAL) observed that international commerce was the major driver of globalization. The work of UNCITRAL included facilitating the globalization of the economy through globalization of law. In fulfilling its mandate to advance the progressive harmonization and modernization of the rules of international business, UNCITRAL identified divergences in the laws of different States that constituted obstacles to trade and stated that it worked to eliminate those obstacles in order to create favourable conditions for global economic integration. Its work directly addressed the impact of globalization on the right to development, the right to work, the right to an adequate standard of living, the right to information, and access to justice. UNCITRAL indicated that all the instruments it developed had a human rights dimension and some provide market-based incentives for complying with human rights standards.

27. The recent work of UNCITRAL demonstrated the connection between the regulation of international commercial law and human rights. In 2013, UNCITRAL adopted the Rules on Transparency in Treaty-based Investor-State Arbitration, which provide for public access to hearings and the ability of third parties to make submissions, thereby increasing transparency and accountability in arbitration proceedings. Given the important role of smaller enterprises in sustainable development, the work programme of UNCITRAL included ensuring that a supportive legal environment existed for them. The Commission's current work to provide secured financing to small enterprises and its efforts to regulate e-commerce had a multifaceted impact on development and human rights.

28. Looking forward, UNCITRAL envisioned initiatives to promote public-private partnerships and a possible role for itself in assisting States in implementing the Guiding Principles on Business and Human Rights. It drew attention to the possible human rights implications of public-private partnerships and emphasized the importance of incorporating human rights concerns into partnership risk assessments.

29. UNCITRAL aimed to support States in developing the knowledge and instruments required to effectively utilize commercial law as a tool for sustainable development. Commercial law is constantly evolving to respond to new business practices and challenges. This called for continuous monitoring of the economic and social impact of developments in global commerce, and the regulation of commerce in a manner that did not hinder investment, entrepreneurship, or sustainable development.

III. Conclusions and recommendations

30. **The responses received from States and United Nations entities indicate that globalization both poses challenges to, and offers opportunities for, the full enjoyment of human rights. Respondent States expressed concern about a range of issues, including migration, displaced persons, the environment, access to food, water and basic services, threats to cultural identity, the regulation of international financial institutions, international power imbalances and the widening gap between the rich and poor. States also noted the positive impacts of globalization, including advancements in technology and social media that have facilitated self-expression and self-determination for many.**

31. **As evidenced by the responses received, the global financial crisis continues to have significant impacts on human rights, and the reform of the international monetary and financial architecture remains a high priority for respondent States. The reform should be guided by basic principles of international law, including international human rights law, as enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development. Together these provide the foundation for the integration of human rights considerations into macroeconomic policies, which is a precondition for establishing an enabling environment for development that is conducive to the realization of all human rights. The regulation of financial markets and actors through national mechanisms and through membership in**

international financial institutions is an exercise of State sovereignty that is subject to human rights obligations.

32. Therefore, States should take measures to promote participation (particularly of the most vulnerable), transparency, and accountability in all decision-making related to financial regulations, macroeconomic policies and all international economic arrangements. In accordance with the Declaration on the Right to Development, States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development. In that regard, they should fulfil goals for aid delivery and effectiveness; reform international financial institutions and standard-setting bodies; resolve sovereign debt crises; promote people-centred, development-oriented trade and investment agreements; and undertake other necessary reforms of international monetary and financial systems. Particular attention should be paid to assessing the human rights impacts of macroeconomic, trade and investment policies and to ensuring the mobilization of maximum available resources for human rights. The Guiding Principles on Business and Human Rights provide guidance to businesses in fulfilling human rights-related responsibilities as well as information on corresponding State obligations.

33. United Nations entities can and do play an important role in assisting States as they manoeuvre through an increasingly globalized world, both in the context of their positions on the international stage and with regard to guaranteeing human rights within their own countries. United Nations entities should continue to assist States in mitigating the negative effects of globalization on the full enjoyment of human rights. Given the transnational nature of the effects of globalization, international cooperation is essential in ensuring the full enjoyment of human rights for all.

34. Globalization supports the free movement of goods, services and capital across borders. However, from a human rights perspective, it must also promote and protect freedom from want and freedom from fear for all. It must safeguard the life and dignity of each person and of all peoples. It must uphold the dignity of livelihoods and labour including in transnational commerce, and of migrant workers and small-scale farmers, who sustain the global economy, often at the margins of global value chains.

35. The human dimension that lies at the very heart of globalization is inextricably linked to the vision of the Universal Declaration of Human Rights, which holds that all human beings are born free and equal in dignity and rights, and that everyone is entitled to a social and international order in which all rights and freedoms can be fully realized. The Declaration on the Right to Development reaffirms this vision in its call for an international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States. States and the international community have rights and duties to direct and regulate national and global policies that touch upon the activities of a full range of State and non-State actors, with a view to benefiting all humankind.